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09/882,511	06/15/2001	Carlos G. Gonzalez-Rivas	6511	8335
22922 7590 03/07/2007 REINHART BOERNER VAN DEUREN S.C. ATTN: LINDA KASULKE, DOCKET COORDINATOR 1000 NORTH WATER STREET SUITE 2100 MILWAUKEE, WI 53202			EXAMINER BOVEJA, NAMRATA	
			ART UNIT 3622	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/07/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/882,511

Applicant(s)

GONZALEZ-RIVAS, CARLOS G.

Examiner

Namrata Boveja

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/21/01</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is in response to communication filed on 06/15/2001.
2. Claims 1-28 are presented for examination.

#### **Objections**

3. Applicant is advised that should claim 1 be found allowable, claims 25 and 26 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

4. Applicant is advised that should claim 27 be found allowable, claim 28 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

#### **Note**

5. Examiner considered making an Election of Species Restriction, but examined the entire Application in the interest of time. A subsequent Election of Species request may be made by the Examiner under 35 U.S.C. 121 to ask the Application to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted.

**Claim Rejections - 35 USC § 112**

The second paragraph of 35 U.S.C. 112 is directed to requirements for the claims:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

There are two separate requirements set forth in this paragraph:

(A) the claims must set forth the subject matter that applicants regard as their invention; and

(B) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

6. Claims 7 and 20 are rejected under 35 U.S.C. 112 second paragraph.

Claim 7 teaches a method wherein the setup data is used by the central server to recites a method comprising enhancing printed material and displaying simultaneously with said step of displaying a list of television networks, a logo for said type of printed material. This claim is in incomprehensible. It is unclear what the Applicant is trying to claim here. Since the first of the claim deals with printed materials, and the second part of the claim deals with displaying television networks. It is unclear if Applicant is referring to the display of the information that was printed out or that was displayed on the television. Also, it is unclear if the Applicant is trying to claim printing a logo and then also displaying the same logo on the screen. It is interpreted that the Applicant is trying to claim a limitation that a printed material is printed with a logo. Clarification is required.

7. Claim 20 recites the limitation of providing the consumer the game when the consumer selects the game or the consumer declines to do so. This is unclear, because is the Applicant trying to say that regardless of whether the consumer accepts or declines, a game is presented to the consumer, or if a game is only presented when the consumer selects it but not presented when the

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consumer declines it. It is interpreted to mean the latter that the game is presented upon selection and not presented when the consumer declines its presentation. Clarification is required.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-3, 6, 8-11, are rejected under U.S.C. 103(a) as being unpatentable over the article titled "Bacardi Brings Out the Bottle in Cable-TV Ad for Amaretto --- Spot Is Firm's First to Blatantly Display Product," by Vanessa O'Connell that was published in the Wall Street Journal on May 2, 2001 on Page 25 (hereinafter O'Connell) in view of the article titled "Job-Hunting Web Sites' Ads Will Duel at Super Bowl," by Rachel Emma Silverman and Suzanne Vranica that was published in the Wall Street Journal on January 23, 2001 on Page B.8 (hereinafter Silverman), and further in view of Official Notice.

In reference to claims 1 and 11, O'Connell teaches a method of increasing consumer awareness of products or services which are advertised in television commercials, comprising: enhancing a plurality of television commercials by displaying a marketing website logo during each of said plurality of enhanced television commercials (page 1 lines 8-11 and page 2 lines 21-24) and providing a marketing website which is associated with and identified by said marketing

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website logo and which is accessible by consumers (page 1 lines 8-11 and page 2 lines 21-24).

O'Connell is silent about providing a game or contest for the consumer to play which game or contest provides information on or relates to the particular product or service advertised by the particular enhanced television commercial. Silverman teaches providing a game or contest for the consumer to play which game or contest provides information on or relates to the particular product or service advertised by the particular enhanced television commercial. (page 2 lines 16-21). It would have been obvious to modify O'Connell to provide a game for the consumer to play that relates to the product or service advertised by the television commercial to make the consumer stay on the website by making it more interactive and interesting and to use it as opportunity to remind the consumer once again about the product being sold.

O'Connell is also silent about displaying to a consumer who has entered said marketing website in response to viewing a particular enhanced television commercial a list of television networks on which enhanced television commercials have aired, and prompting the consumer to select the particular television network on which the consumer viewed the particular enhanced television commercial; displaying to the consumer a list of television shows broadcasted by the particular television network during which television shows enhanced television commercials have been broadcasted, and prompting the consumer to select the particular television show during which the consumer viewed the particular enhanced television commercial; displaying to the

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consumer a list of enhanced television commercials which were broadcasted during the particular television show, and prompting the consumer to select the particular enhanced television commercial. In reference to claims 1 and 11, Official Notice is taken that it is old and well known to ask consumers how they reached the sponsor's website or store location and where and which commercial did the consumer see that referred the consumer to the sponsor's website or store location to help the sponsor determine what type of advertising is reaching its target audience and where the sponsor should invest future advertising dollars. For example, when a user visits a Management Property, he is asked to fill out an informational card telling the Property Management staff who referred the user to the property and which advertising sources did the user utilize to find this community. Another example is a recruiting company that also asks job candidates through what medium did they hear about the firm and if someone referred them to the company both in person during an interview and online when the user fills out a questionnaire and posts his resume. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include in O'Connell's invention, the use of questions on the sponsor's website where the user makes a response selection by placing a cursor on of a mouse on a desired location and clicking on that location with the mouse to make the choice selection to obtain information from the consumer to assist the sponsor in determining where to best spend his advertising dollars to reach his target audience and to determine what sources are being utilized by the target audience to reach the sponsor.

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9. In reference to claim 2, O'Connell teaches a method of placing said marketing website logo in a prominent position (i.e. visible to the user on the television screen) during at least a portion of each of said television commercials (page 1 lines 8-11 and page 2 lines 21-24).

10. In reference to claim 3, O'Connell teaches a method wherein said marketing website logo comprises: the URL address of said marketing website (page 1 lines 8-11 and page 2 lines 21-24); and a stylized logo which contains said URL address of said marketing address.


11. In reference to claims 6 and 8-10, O'Connell does not teach a method wherein said step of displaying a list of television networks comprises: displaying a readily recognizable logo for each of said television networks on which at least one enhanced television commercial has aired and displaying a separate information element associated with each broadcasted commercial. In reference to claims 6 and 8-10, Official Notice is taken that it is old and well known to display a list of television networks comprising: displaying a readily recognizable logo and the name of the television show and station for each of said television networks on which at least one enhanced television program has aired will air as done by television guide stations that list the program name, time, and show the logo and name of the station on which the program will air, to enable the customer to quickly and visually locate a channel by the logo instead of having to read the channel numbers (see attached image below showing this information from the Klosterman Patent Number 5,940,073 in support of the Official Notice). It would have been obvious to a person of ordinary skill in the art at the time of



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the applicant's invention to include in O'Connell's invention, the use of questions on the sponsor's website and to include logos of television stations, names of television stations, and names of the programs being aired in those questions to obtain information from the consumer to assist the sponsor in determining where to best spend his advertising dollars to reach his target audience and to determine what sources are being utilized by the target audience to reach the sponsor and to enable the consumer to quickly view a list of television stations and shows by their logos and program name as done on a television guide station.

500

S T A R S I G H T							
OCT	WED	THU	FRI	SAT	SUN	MON	TUE
30	8:00P				8:30P		
NBC 	Monday Night, November 4th Heats Up with BACKDRAFT!						
KGO	Beverly Hills 90210						
SHOW	Jury Duty						
HBO	Mask of Death						
DISN	Wolves of Willoughby Chase						
ESPN	Baseball						
FAM	The Waltons			Highway to Heaven			
KRON	Dateline						
KPIX	Ellen			Drew Carey			

520

8:05P

8:05P

12. **Disclaimer:** Claim 7 was found to be deficient under U.S.C. 112 second paragraph. To the extent the claimed invention was understood, the following art was applied.

Claims 4, 5, and 7 are rejected under U.S.C. 103(a) as being unpatentable over O'Connell in view of Silverman, further in view of the printouts from

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Monster.com from the Internet Archive WayBack Machine from April 18, 2001 (see attached pages hereinafter Monster.com), and further in view of Official Notice.

In reference to claims 4, 5, and 7, O'Connell does not teach a method additionally comprising: enhancing printed materials, including print advertisements, which are transmitted to consumers by printing said marketing website logo thereupon. Monster.com teaches a method additionally comprising: enhancing printed materials which are transmitted to consumers by printing said marketing website logo thereupon (page 1, reference 1). It would have been obvious to modify O'Connell to enhance printed materials which are transmitted to consumers by printing said marketing website logo thereupon to use it as opportunity to remind the consumer once again about the brand name of the company.

13. Claims 12-26 are rejected under U.S.C. 103(a) as being unpatentable over O'Connell in view of Silverman, further in view of Lesandrini et al. Publication Number US 2003/0036944 A1 (hereinafter Lesandrini), and further in view of Official Notice.

In reference to claims 12 and 13, O'Connell does not teach a method for obtaining demographic and other consumer information such as age and gender. Lesandrini teaches obtaining demographic information and age and gender information (page 4 paragraphs 100 and 101 and Figure 8A). It would have been obvious to modify O'Connell to include obtaining demographic and age and gender information from the consumer to collect this information for the

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advertisers so that they could find out targeted information regarding who is viewing their advertisements and learn about their audience for future marketing efforts.

14. In reference to claims 14 and 15, O'Connell does not teach a method requiring each consumer who accesses the marketing website to register by providing an e-mail address and a zip code. Lesandrini teaches requiring each consumer who accesses the marketing website to register by providing an e-mail address and a zip code (page 4 paragraphs 0100 and 0101 and Figure 8B). It would have been obvious to modify O'Connell to include requiring each consumer who accesses the marketing website to register by providing an e-mail address and a zip code so that advertisers can use this information to send consumers discount coupons and so that advertisers can track by geography where most of their consumers are located.

15. In reference to claim 16, O'Connell does not teach a method wherein said requiring step comprises: determining whether the consumer has previously registered; if the consumer has previously registered, requiring the consumer to log in; and if the consumer has not previously registered, requiring the consumer to register. Lesandrini teaches determining whether the consumer has previously registered (page 4 paragraphs 0100 and 0101, page 9 paragraphs 0221 and 0222, and Figures 7 and 12); if the consumer has previously registered, requiring the consumer to log in (page 4 paragraphs 0100 and 0101, page 9 paragraphs 0221 and 0222, and Figures 7 and 12); and if the consumer has not previously registered, requiring the consumer to register (page 4

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paragraphs 0100 and 0101, page 9 paragraphs 0221 and 0222, and Figures 7, 8A, 8B, and 12). It would have been obvious to modify O'Connell to include requiring each consumer who accesses the marketing website to register and to log in with the registration so that advertisers can track by user id which advertisements are of most interest to the which users.

16. In reference to claim 17, O'Connell does not teach a method wherein said providing step comprises: providing to the consumer the game or contest related to the particular product or service advertised by the particular enhanced television commercial; and upon completion of the game or contest related to the particular product or service advertised by the particular enhanced television commercial, providing to the consumer the consumer's score or standing.

Silverman teaches providing a game or contest for the consumer to play which game or contest provides information on or relates to the particular product or service advertised by the particular enhanced television commercial. (page 2 lines 16-21). It would have been obvious to modify O'Connell to provide a game for the consumer to play that relates to the product or service advertised by the television commercial to make the consumer stay on the website by making it more interactive and interesting and to use it as opportunity to remind the consumer once again about the product being sold.

O'Connell is also silent about providing to a consumer upon completion of the game the consumer's score or standing. In reference to claim 17, Official Notice is taken that it is old and well known to provide a person with his score at the end of playing a game and to show the individual how he did in comparison

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to others who have played a given game. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include in O'Connell's invention, providing users with a game and a score in that game to motivate the user to perform well in the game in order to receive a high score.

17. In reference to claims 18 and 19, O'Connell does not teach a method wherein said providing step additionally comprises: providing to the consumer the option to be notified of the final game or contest results and allowing the consumer to select the option to receive the notification by e-mail. In reference to claim 18, Official Notice is taken that it is old and well known to provide the consumer with the option to be notified of the final game results and allowing the consumer to select that option as done by online sweepstakes for example to have the results e-mailed to the consumer after the sweepstakes is over. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include in O'Connell's invention, providing users with the option to be notified of the final game results via e-mail and allowing the consumer to select that option to enable the consumers to find out if he was a winner in real time by having the consumer access his e-mail account and to avoid making the consumer check about the results of the game on his own.

18. **Disclaimer:** Claim 20 was found to be deficient under U.S.C. 112 second paragraph. To the extent the claimed invention was understood, the following art was applied.

In reference to claims 20 and 21, O'Connell does not teach a method, wherein said providing step comprises: displaying to the consumer a plurality of

additional games or contests which can be played; prompting the consumer to select at least one additional game or contest to be played; upon selection by the consumer of such additional game(s) or contest(s) to be played, providing to the consumer the game or contest related service advertised television commercial or not providing the game when the consumer declines to do so; to the particular product or by the particular enhanced and following completion of the game or contest related to the particular product or service advertised by the particular enhanced television commercial, providing to the additional game(s) or contests selected. Lesandrini teaches a method, wherein said providing step comprises: displaying to the consumer a plurality of additional games or contests which can be played (page 6 paragraphs 0137 and 0138 and Figure 12); prompting the consumer to select at least one additional game or contest to be played (Figure 12); upon selection by the consumer of such additional game(s) or contest(s) to be played, providing to the consumer the game or contest related service advertised television commercial or not providing the game when the consumer declines to do so (page 6 paragraphs 0137 and 0138 and Figure 12); and following completion of the game or contest related to the particular product or service advertised by the particular enhanced television commercial, providing to the additional game(s) or contests selected (page 6 paragraphs 0137 and 0138 and Figure 12). It would have been obvious to modify O'Connell to include multiple games to the consumers to keep the consumer interested in the product and to make the consumer stay at the product website longer.

19. In reference to claim 22, O'Connell does not teach a method further comprising:

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delivering a coupon to the consumer following the completion of at least one of the additional games, wherein said coupon may be printed by said consumer. Lesandrini teaches giving rewards to the consumers after completing games (page 5 paragraphs 0114 and 0115), however Lesandrini does not specifically teach giving coupons to the consumers. It would have been obvious to modify O'Connell to include giving rewards to consumers for completing games to motivate the consumers to stay engaged and to stay on the product website longer in anticipation of being rewarded for the consumer's conduct of playing games online. In reference to claim 22, Official Notice is taken that it is old and well known to provide the consumer with incentives such as coupons to motivate the consumer to purchase a specific product. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include in O'Connell's invention, providing coupons as incentives for playing games to encourage the consumer to go out and buy that product within a certain time frame.

20. In reference to claim 23, O'Connell does not teach a method wherein said game or contest comprises: a game or contest in which the consumer is required to provide information from the particular enhanced commercial, and the scoring for such game or contest is based upon the degree to which such information is correctly provided. In reference to claim 23, Official Notice is taken that it is old and well known to score a game or contest based on the customer's recital of accurate information regarding a commercial as done by radio stations during on the air trivia competitions to encourage the users to tune in constantly

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to listen to clues and to hear other advertisers. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include in O'Connell's invention, scoring a game or contest based on the customer's recital of accurate information regarding a commercial to motivate the user to view the commercial attentively and repeatedly to make sure the user captures the required information.

21. In reference to claim 24, O'Connell does not teach a method wherein by obtaining a sufficient score in said game or contest, the consumer is entered into a drawing for a prize. Lesandrini teaches entering consumers into a drawing for a prize (page 5 paragraph 0115); however, Lesandrini does not specifically teach the entry into the drawing after obtaining a specific score in a game or contest.

It would have been obvious to modify O'Connell to include entering customers into a drawing for a prize to motivate the users to come to the website to enter a drawing. In reference to claim 24, Official Notice is taken that it is old and well known to provide the consumer with an opportunity to enter a drawing after winning a contest as done by radio stations where once multiple users win a daily trivia, their names are entered into a grand prize drawing. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include in O'Connell's invention, the opportunity to enter a drawing for prizes after the consumers win and receive a certain score in a game online to motivate the user to play the game well and repeatedly and thereby visit the sponsor's website to get the opportunity to win lucrative prizes.



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22. In reference to claim 25, O'Connell teaches a method of increasing consumer awareness of a product or service, which is advertised in a television commercial, comprising: displaying a marketing website logo during the television commercial (page 1 lines 8-11 and page 2 lines 21-24); providing a marketing website which is associated with and identified by said marketing website logo and which is accessible by consumers (page 1 lines 8-11 and page 2 lines 21-24).

O'Connell is silent about providing a game or contest for the consumer to play which game or contest provides information on or relates to the particular product or service advertised by the particular enhanced television commercial. Silverman teaches providing a game or contest for the consumer to play which game or contest provides information on or relates to the particular product or service advertised by the particular enhanced television commercial (page 2 lines 16-21). It would have been obvious to modify O'Connell to provide a game for the consumer to play that relates to the product or service advertised by the television commercial to make the consumer stay on the website by making it more interactive and interesting and to use it as opportunity to remind the consumer once again about the product being sold.

O'Connell is also silent about displaying to a consumer who has entered said marketing website in response to viewing a particular enhanced television commercial a list of television networks on which enhanced television commercials have aired, and prompting the consumer to select the particular television network on which the consumer viewed the particular enhanced

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television commercial; displaying to the consumer a list of television shows broadcasted by the particular television network during which television shows enhanced television commercials have been broadcasted, and prompting the consumer to select the particular television show during which the consumer viewed the particular enhanced television commercial; displaying to the consumer a list of enhanced television commercials which were broadcasted during the particular television show, and prompting the consumer to select the particular enhanced television commercial. In reference to claims 1 and 11, Official Notice is taken that it is old and well known to ask consumers how they reached the sponsor's website or store location and where and which commercial did the consumer see that referred the consumer to the sponsor's website or store location to help the sponsor determine what type of advertising is reaching its target audience and where the sponsor should invest future advertising dollars. For example, when a user visits a Management Property, he is asked to fill out an informational card telling the Property Management staff who referred the user to the property and which advertising sources did the user utilize to find this community. Another example is a recruiting company that also asks job candidates through what medium did they hear about the firm and if someone referred them to the company both in person during an interview and online when the user fills out a questionnaire and posts his resume. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include in O'Connell's invention, the use of questions on the sponsor's website where the user makes a response selection by placing a

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cursor on of a mouse on a desired location and clicking on that location with the mouse to make the choice selection to obtain information from the consumer to assist the sponsor in determining where to best spend his advertising dollars to reach his target audience and to determine what sources are being utilized by the target audience to reach the sponsor.

23. In reference to claim 26, O'Connell teaches a method of increasing consumer awareness of products or services which are advertised in television commercials, comprising: enhancing a plurality of television commercials by displaying a marketing website logo during each of said plurality of enhanced television commercials (page 1 lines 8-11 and page 2 lines 21-24); providing a marketing website which is associated with and identified by said marketing website logo and which is accessible by consumers (page 1 lines 8-11 and page 2 lines 21-24). O'Connell is silent about providing a game or contest for the consumer to play which game or contest provides information on or relates to the particular product or service advertised by the particular enhanced television commercial. Silverman teaches providing a game or contest for the consumer to play which game or contest provides information on or relates to the particular product or service advertised by the particular enhanced television commercial (page 2 lines 16-21). It would have been obvious to modify O'Connell to provide a game for the consumer to play that relates to the product or service advertised by the television commercial to make the consumer stay on the website by making it more interactive and interesting and to use it as opportunity to remind the consumer once again about the product being sold.

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O'Connell is also silent about displaying to a consumer who has entered said marketing website in response to viewing a particular enhanced television commercial a list of television networks on which enhanced television commercials have aired, and prompting the consumer to select the particular television network on which the consumer viewed the particular enhanced television commercial; displaying to the consumer a list of television shows broadcasted by the particular television network during which television shows enhanced television commercials have been broadcasted, and prompting the consumer to select the particular television show during which the consumer viewed the particular enhanced television commercial; displaying to the consumer a list of enhanced television commercials which were broadcasted during the particular television show, and prompting the consumer to select the particular enhanced television commercial. In reference to claims 1 and 11, Official Notice is taken that it is old and well known to ask consumers how they reached the sponsor's website or store location and where and which commercial did the consumer see that referred the consumer to the sponsor's website or store location to help the sponsor determine what type of advertising is reaching its target audience and where the sponsor should invest future advertising dollars. For example, when a user visits a Management Property, he is asked to fill out an informational card telling the Property Management staff who referred the user to the property and which advertising sources did the user utilize to find this community. Another example is a recruiting company that also asks job candidates through what medium did they hear about the firm and if

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someone referred them to the company both in person during an interview and online when the user fills out a questionnaire and posts his resume. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include in O'Connell's invention, the use of questions on the sponsor's website where the user makes a response selection by placing a cursor on of a mouse on a desired location and clicking on that location with the mouse to make the choice selection to obtain information from the consumer to assist the sponsor in determining where to best spend his advertising dollars to reach his target audience and to determine what sources are being utilized by the target audience to reach the sponsor.

24. Claim 27 is rejected under U.S.C. 103(a) as being unpatentable over O'Connell in view of Silverman, further in view of Monster.com, and further in view of Official Notice.

In reference to claim 27, O'Connell teaches a method of enhancing the marketing of products or services which are advertised in television commercials, comprising: providing a marketing website which is associated with an indicia (i.e. logo) and which is accessible by consumers (page 1 lines 8-11 and page 2 lines 21-24); enhancing a plurality of television commercials by displaying said indicia which is associated with said marketing website during each of said plurality of enhanced television commercials (page 1 lines 8-11 and page 2 lines 21-24). O'Connell does not teach providing incentives to motivate consumers to enter said marketing website in response to viewing enhanced television commercials; and providing marketing information relating to the product

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advertised by the particular enhanced television commercial viewed by the consumer in a manner which is associated with said incentives; and displaying to a consumer who has entered said marketing website in response to viewing a particular enhanced television commercial a series of screens which prompt the consumer to select the particular enhanced television commercial viewed by the consumer. Silverman teaches providing a game or contest for the consumer to play which game or contest provides information on or relates to the particular product or service advertised by the particular enhanced television commercial (page 2 lines 16-21) as an incentive to get a user to access a website. It would have been obvious to modify O'Connell to provide a game for the consumer to play that relates to the product or service advertised by the television commercial to make the consumer go and stay on the website by making it more interactive and interesting and to use it as opportunity to remind the consumer once again about the product being sold.

The Monster.com print outs teach providing marketing information relating to the product advertised by the particular enhanced television commercial viewed by the consumer in a manner which is associated with said incentives. It would have been obvious to modify O'Connell to provide a marketing information relating to the product advertised in the television commercial on the website to satisfy the user's desire for more information and to provide an interactive experience for the user who is seeking this additional information.

In reference to claim 27, Official Notice is taken that it is old and well known to ask consumers using a series of screens how they reached the

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sponsor's website or store location and where and which commercial did the consumer see that referred the consumer to the sponsor's website or store location to help the sponsor determine what type of advertising is reaching its target audience and where the sponsor should invest future advertising dollars. For example, when a user visits a Management Property, he is asked to fill out an informational card telling the Property Management staff who referred the user to the property and which advertising sources did the user utilize to find this community. Another example is a recruiting company that also asks job candidates through what medium did they hear about the firm and if someone referred them to the company both in person during an interview and online when the user fills out a questionnaire and posts his resume. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include in O'Connell's invention, the use of questions on the sponsor's website where the user makes a response selection by placing a cursor on of a mouse on a desired location and clicking on that location with the mouse to make the choice selection to obtain information from the consumer to assist the sponsor in determining where to best spend his advertising dollars to reach his target audience and to determine what sources are being utilized by the target audience to reach the sponsor.

25. Claim 28 is rejected under U.S.C. 103(a) as being unpatentable over O'Connell in view of Monster.com, and further in view of Official Notice.

In reference to claim 28, O'Connell teaches 28 a method of marketing products or services, comprising: providing a marketing website having a

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particular web address (page 1 lines 8-11 and page 2 lines 21-24); broadcasting said web address in conjunction with each of a plurality of television commercials (page 1 lines 8-11 and page 2 lines 21-24). O'Connell does not teach first, allowing a consumer entering said marketing website to select the particular television network on which the consumer viewed a particular one of said plurality of television commercials; second, allowing the consumer to select the particular television show during which the consumer viewed said particular television commercial; third, allowing the consumer to select said particular television commercial; and fourth, providing marketing information relating to the product advertised by the particular enhanced television commercial in a manner which the consumer finds gratifying.

In reference to claim 28, Official Notice is taken that it is old and well known to ask consumers how they reached the sponsor's website or store location and where and which commercial did the consumer see that referred the consumer to the sponsor's website or store location to help the sponsor determine what type of advertising is reaching its target audience and where the sponsor should invest future advertising dollars. For example, when a user visits a Management Property, he is asked to fill out an informational card telling the Property Management staff who referred the user to the property and which advertising sources did the user utilize to find this community. Another example is a recruiting company that also asks job candidates through what medium did they hear about the firm and if someone referred them to the company both in person during an interview and online when the user fills out a questionnaire and



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posts his resume. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to include in O'Connell's invention, the use of questions on the sponsor's website where the user makes a response selection by placing a cursor on of a mouse on a desired location and clicking on that location with the mouse to make the choice selection to obtain information from the consumer to assist the sponsor in determining where to best spend his advertising dollars to reach his target audience and to determine what sources are being utilized by the target audience to reach the sponsor.

The Monster.com print outs teach providing marketing information relating to the product advertised by the particular enhanced television commercial in a manner, which the consumer finds gratifying. It would have been obvious to modify O'Connell to provide marketing information relating to the product advertised by the particular enhanced television commercial in a manner, which the consumer finds gratifying to satisfy the consumer's desire for more information and to provide an interactive and user friendly experience for the user who is seeking out this additional information.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The

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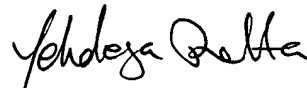
**Central FAX** number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).



NB

February 19<sup>th</sup>, 2007



RETTA YEHDEGA  
PRIMARY EXAMINER